

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOE JOHNSON, JR.,)
)
Petitioner,)
)
vs.) Case No. CIV-04-1655-F
)
RON WARD,)
)
Respondent.)

ORDER

This action seeks habeas relief under 28 U.S.C. § 2241. Magistrate Judge Valerie K. Couch's Report and Recommendation (docket entry no. 15) recommends that Respondent's Motion to Dismiss (docket entry no. 9) be granted and that the Petition be dismissed as untimely pursuant to 28 U.S.C. § 2244(d)(1)(D).

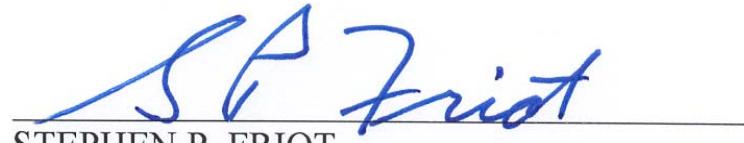
The Report advised Petitioner of his right to file an objection to the Report. The Report advised that any such objection must be filed by June 14, 2005. The Report further advised that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues addressed in the Report. Petitioner has not objected to the Report and has not sought an extension of time within which to object.

After careful study of the Report, the record, and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determinations, and that no purpose would be served by repeating those determinations, or the magistrate judge's analysis, here.

Therefore, the Report and Recommendation of Magistrate Judge Valerie K. Couch is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons

stated in the Report, Respondent's Motion to Dismiss is **GRANTED**, and the Petition is hereby **DISMISSED** as untimely.

Dated this 28th day of June, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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